

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsection (d) of Section 230, Title 14, California Code of Regulations
Re: Special Provisions for Black Bass Tournaments

- I. Date of Initial Statement of Reasons: April 11, 2005
- II. Date of Pre-adoption Statement of Reasons: May 16, 2005
- III. Date of Final Statement of Reasons: June 28, 2005
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: March 17, 2005
Location: Oakland
 - (b) Discussion/Adoption Hearing: Date: June 24, 2005
Location: Bishop

V. Update:

No changes were made to the originally proposed language of the Initial Statement of Reasons.

The Commission adopted the proposal at its June 24, 2005 meeting.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those Considerations:

Bill Kauffman, 5/6/05, e-mail; Ron Cervenka, 5/6/05, e-mail; William L. Hines III, 5/6/05, e-mail; Raymond Leyerly, 5/6/05, e-mail; Randal W. Givens, 5/6/05, e-mail; Mike Barnett, 5/6/05, e-mail; Mark Paulson, 5/6/05, e-mail; Ken Sauret, 5/9/05, e-mail; Gary Bradford, 5/11/05, e-mail; Kelly Wilhite, 6/20/05, e-mail; and Jeff Halstead, 6/16/05, letter.

Supported the recommendation to provide provisions for anglers fishing in permitted black bass tournaments to continue to catch and release black bass once they reach their daily bag limit.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None were identified.
- (b) No Change Alternative: A no-change alternative would cause permitted California Black Bass contest anglers and organizers to be inconsistent with other contest formats and standards across the nation. This could potentially lead to the withdrawal of large scale organized events in California, from national angling organizations.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States: Given that there is no significant change to the existing contest format, the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on Private Persons or Businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Section 1.17, Title 14, California Code of Regulations (CCR), provides that no more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are fresh, frozen, or otherwise preserved. Current regulations (Section 5.00, Title 14, CCR) also provide specific bag limits for black bass and no provisions of any regulations exempt any participant in a black bass fishing contest (tournament) from the sport fishing regulations.

However, the Department of Fish and Game as part of Event Permit conditions for fishing contests may authorize an exemption to new regulations which impose an increased minimum size limit larger than 12 inches, a slot size limit, or a reduced bag limit less than five fish. Permit regulations also provide that “insofar as possible; all fish shall be returned to the water alive and in good condition”.

The aforementioned exemption does not provide for exceeding the daily bag and possession limit. Local and National angling organizations have requested an exemption to allow for exceeding the daily bag and possession limits for permitted contests under the provisions and conditions of contest permits. This exemption would allow permitted contests to continue a tradition of maintaining a daily bag limit of fish in a livewell while anglers continue to catch and release fish. These requests are based on the provision that all fish caught in the permitted contest will eventually be released alive, barring any unforeseen mortality.

The Department is proposing to allow anglers, authorized under an Event or Annual Black Bass Contest Permit, to continue to catch and release black bass once they reach their daily bag limit. Under the proposed regulation, once the daily bag and possession limit has been reached, each additional fish caught must immediately be returned to the water alive and in good condition, or be used to replace a fish being maintained alive and in good condition from the participant’s livewell or other suitable holding facility. Anglers will not be authorized under this proposed regulation to have more than the daily bag and possession limit in their livewell or other suitable holding facility at anytime during the permitted event.

The Commission adopted the proposed regulations at its June 24, 2005 meeting.

A minor editorial change of the originally proposed language was made to clarify the regulation. A semi-colon was added after “and” in subsection (d)(1)(A) to improve clarity and consistency.

Subsection (d) of Section 230, Title 14, CCR, is amended to read:

§230. Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish.

(d) Compliance with Sport Fishing Regulations.

(1) No provisions of these regulations exempt any participant in a contest from the sport fishing regulations, except that the department may, as part of Event Permit conditions for permitted contests, ~~may~~ authorize an exemption to:

(A) new Rregulations which impose an increased minimum size limit larger than 12 inches, a slot size limit, or a reduced bag limit less than five fish- for Type A contests, and;

(B) Daily bag and possession limits for all permitted black bass contests, insofar that once the daily bag and possession limit has been reached by an individual angler, that same angler may continue to fish under the condition that each additional fish caught must immediately be returned to the water alive and in good condition, or be used to replace a fish being maintained alive and in good condition from the participant's livewell or other suitable holding facility.

(2) To prevent the movement of live fish from one body of water to another, the department also may establish permit conditions governing the movement of live fish associated with tournament activities.

NOTE:

Authority: Sections 1050 and 2003, Fish and Game Code. Reference: Sections 711, 713, 1050 and 2003, Fish and Game Code.